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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,739	03/08/2001	Sang Un Jin	0630-1244P	4768
2292	7590	05/05/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KOSTAK, VICTOR R	
		ART UNIT		PAPER NUMBER
		2614		
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/800,739	JIN, SANG UN
	Examiner Victor R. Kostak	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9 and 10 is/are allowed.
- 6) Claim(s) 1,4-8, 11, 12, 14 and 17 is/are rejected.
- 7) Claim(s) 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

1. Claim 10 is now objected to because of the following informalities: claim 10 as originally filed depended from claim 9. It is now listed as depending from claim 1, and the status thereof stated in the amendment as "*previously presented*". Claim 10 has been treated as depending from claim 9, the dependency from claim 1 viewed as a mere oversight by the applicant. Appropriate correction is required.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 11, 12-14 and 17 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (of record) in view of Linna et al. (of record), in further view of applicant's admission of prior art (shown in Fig. 1 of the application). Applicant's arguments are addressed in the context of the rejection.

Reviewing Tanaka, his system (noting particularly Figs. 1, 10-12, 15 and 17) involves displaying audio and video settings menus of a display apparatus (i.e. television: col. 4 line 55) to which various audio and video devices can be connected (col. 1 lines 8-13; audio only: col. 9 lines 51-54). Connection states of device output terminals so connected to input terminals of the television are determined (e.g. col. 15 lines 3-4), and audio (as well as video) source information from source content (e.g. Fig. 26c) is received by the television. Tanaka points out that the displayed menu can be limited just to the items of A/V equipment which are actually connected so that the setting up work that the user does is made easy (col. 17 lines 23-30). The menus or

menu items so displayed accordingly correspond to the claimed useable menus that were determined as a result of the respective connection determinations.

As noted above, Tanaka allows for any various A/V devices to be included (col. 1 lines 8-13) and further points out that his invention "*is by no means limited to audio visual equipment and would also be suitable for use with various other equipment*" (col. 25 lines 33-35). Since Tanaka is not required to exhaustively list every known A/V device because his statements cover the entirety, the skilled artisan is fully allowed to consider external amplifiers as a component option, which is recognized by applicant as a known device(as shown in Fig. 1 of the application). Along the same line of reasoning, specifying both speaker and monitor output terminals would also be covered as explicitly allowed by Tanaka, which are also recognized by applicant as being known (noting Fig. 1 again).

Reviewing Linna, like Tanaka, Linna also indicates the existence of audio output signals by including a sensor 55 to detect the connection state of rear speakers 34 and 35 (noting Fig. 2). Also like Tanaka, Linna points out that the benefit of incorporating a sensor is to inform the user of the presence or absence of specific devices and therefore limiting the menu data to only that which corresponds to what is useable (sensing that rear speakers are not connected removes the need to display a fade function menu option: e.g. col. 2 lines 1-5).

As stated in the last Office action, in view of this explicit teaching and in view of the fact that Tanaka allows for device detection of any audio or video device (and in fact goes beyond A/V devices by generalizing the inclusion of various electronic equipment: col. 25 lines 33-35), it therefore would have been obvious to include speakers and their audio output terminals.

Furthermore, the detected presence (or absence) of the rear speakers is a direct indication of the number of speakers connected (or disconnected).

Regardless of Linna being used for speaker identification within an automobile, the general teaching of giving such an indication suggests to the skilled artisan to consider such indication in any system that is capable of accommodating multiple sources (as both Linna and Tanaka do), which would therefore provide the operator with only those menus usable upon identifying the specific sources, which is the intention of both Tanaka and Linna.

The reasons for including Linna given in the last Office action were reasonable and valid, repeated from the last Office action and expanded on above. Applicant instead argues that Linna does not cover specific recited features (namely those covered by Tanaka as well as the additional ones newly added but acknowledged as prior art by applicant), and that Tanaka also does not cover certain features (those features in turn shown to be covered by Linna). Applicant's arguments therefore are not persuasive, thereby meeting claim 1 (which is a combination of original claims 1-3 and inclusive rather than alternative language).

As for claim 4, detection is applied to any input that the user connects to the television system, and its content (e.g. stereo data).

As for claim 5, the input is varied according to the user changing channel stations (e.g. col. 10 lines 7-10).

Regarding claim 6, broadcast sources are also an option (noting tuner 7: col. 9 lines 57-62).

As for claim 7, the audio is by default either an analog or digital signal (and noting again Fig. 2c). Likewise the broadcast received by tuner 7 by default must be either terrestrial or satellite.

As noted above, Tanaka allows the A/V signals to be from any of various sources including local (e.g. laser disk 14) or remotely broadcast (e.g. tuner 7). Tanaka also covers both analog and digital inputs, as was also mentioned previously. In view of these allowances, it would have been obvious to make available broadcast programming from any known source in any known format, for the clear purpose of providing the users with as large a range of A/V data options which therefore offers as various a selection, thereby accommodating various individual tastes of any viewer. Such options would accordingly cover digital programming from ATSC or satellite services involving downloading programming from digital streams from a headend by referencing programs guides, thereby meeting claim 8.

As for claim 11, since Tanaka specifies channel changing (i.e. selection: col. 10 lines 7-10), the relevant parameters would accordingly be presented in some form on the menu to inform the user of the specifics of the programming.

Considering claim 12, the system of Tanaka inherently performs detection whenever the user changes the audio since that is the designed intention of the system operation.

As for claim 14, the system of Tanaka as modified by Linna includes a CPU 5, which would control the menu display of speaker parameters. As noted above, it would also have been obvious to incorporate digital television to expand the user's programming capabilities and as Tanaka allows for various analog and digital options.

As for claim 17, it would have been obvious to include either analog or digital television to cover all possible source types, again, for the general purpose of providing the viewer with as extensive and upgraded a selection of programming (so suggested by Tanaka describing both analog and digital data).

3. Claims 9, 10 and 13 appear allowable over the prior art.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
Art Unit 2614

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